

REMARKS

This communication is a full and timely response to the aforementioned final Office Action dated October 19, 2006. By this communication claims 1, 4, 5, 16, 19, 20, 31, 34, and 35 have been amended. Support for the subject matter added to these claims can be found variously throughout the Specification, for example, in paragraphs [0013] through [0015]. Claims 1-7, 9-22, 24-27, and 39-45 remain pending. Reconsideration and allowance of these claims are respectfully requested.

In numbered paragraph 2 on page 2 of the Office Action, the Examiner maintains the rejection of claims 1-7, 9, 10, 16-22, 24, 25, 31-37, 39, and 40 under 35 U.S.C. §103(a) as unpatentable over *Lo et al* (U.S. Patent No. 5,062,056) in view of *Hanna* (U.S. Patent No. 5,488,675). Particularly, the Examiner alleges that Applicant argues features of the stabilization values that are not recited in the claims. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution claims 1, 16, and 31 have been amended for clarity.

In the Office Action, the Examiner alleges that the *Lo* patent discloses all the claimed elements except subtracting stabilization difference values from positional difference values. The Examiner relies on the *Hanna* patent to remedy this deficiency alleging that *Hanna's* jitter/error compensation for a positional estimate renders the claimed element obvious.

In exemplary embodiments, as shown and described with respect to Figures 1A-2, the target tracker determines whether an object is undetected in the second frame of image data. If the object is undetected, the target tracker retrieves positional and stabilization values of the object from the respective databases. Difference values are calculated between the first and second frames for each of the

positional values and stabilization values retrieved from the databases. The stabilization difference values are then subtracted from the positional difference values for each frame to obtain stabilization positional difference values, which represent a true movement of the object despite any movement of the background.

In contrast, the *Hanna* patent discloses that landmark patterns in an image are used to approximate the location of a target based on the occlusion of another landmark pattern. In other words, the *Hanna* patent describes a technique in which a target is tracked based on the occlusion of an element in the background of the image, rather than being based on an occlusion of the target itself. The described jitter/error compensation represents the difference between the location of the target pattern from the non-occluded landmark pattern and the occluded landmark pattern. See column 6, lines 5-20. The *Hanna* patent mentions that the landmark region tracking can be used when a target is occluded, but even in this instance the position of the target is inferred from locations of non-occluded landmarks and not the target itself. Stated differently, the *Hanna* does not perform an estimating step as recited in the claim and more specifically, does not use at least one of velocity and acceleration of the object to determine position or obtain stabilization positional difference values as recited in the claims. In fact, the *Hanna* patent arguably lacks the capacity to determine the velocity and acceleration of a target, and based on the described technique would have no use for these values in determining the position of a target. Accordingly, a *prima facie* case of obviousness has not been established.

In numbered paragraph 4 on page 7 of the Office Action, claims 11-15, 26-30, and 41-45 are rejected under 35 U.S.C. §103(a) as unpatentable over the *Lo* and

Hanna patents and further in view of *Browne* (NPL document). Applicant respectfully traverses this rejection and submits that these claims are allowable for at least the same reasons as discussed above with respect to base claims 1 and 16. In addition, these claims are arguably further distinguishable over the *Lo* and *Hanna* patents, along with the *Browne* reference by the additional elements recited therein. Therefore, Applicant respectfully requests that the rejection of claims 11-15, 26-30, and 41-45 under 35 U.S.C. §103 be withdrawn.

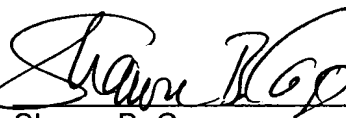
By the foregoing amendments and remarks, Applicant has addressed all outstanding issues presented in the current non-final Office Action. In addition, Applicant submits that the instant application is in condition for allowance. If the Examiner believes that the claims can be placed in even better form, the Examiner is encouraged to contact Applicant's representative at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY P.C.

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By



Shawn B. Cage

Registration No. 51,522

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620